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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,621	03/18/2004	Michael Page	282569US8X	5821
22850 7590 11/15/2007 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER PERILLA, JASON M	
			ART UNIT 2611	PAPER NUMBER
			NOTIFICATION DATE 11/15/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

Office Action Summary

Application No.

10/803,621

Applicant(s)

PAGE, MICHAEL

Examiner

Jason M. Perilla

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 23-27 is/are rejected.
- 7) ☒ Claim(s) 2-22 and 28-31 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-31 are pending in the instant application.

Response to Argument

2. The Applicant's arguments, filed, October 29, 2007 have been considered, but they are not persuasive.
 - a. The clocking signal (i.e. fig. 5, "64Fs") has a lower rate than the data element rate (i.e. 24DSD channels x 64fs = payload of 67.7Mbit/s). That is, the total data rate is 24 times the rate of the clock signal according to the Applicant's own arguments.
 - b. As broadly as claimed, the comparator (fig. 3, "Comparator") detects a *feature* of the clocking signal. Nothing in the claim limits what "feature" is detected.
 - c. With respect to the assembler being responsive to said synchronization clocking signal, the prior art reference Page clearly discloses the insertion of a frame flag among transmitted data elements which is determined according to a temporal, phase, or time, feature of the clock. (pg. 14, "Frame Types" and "Frame Flags"; pg. 18)
 - d. Finally, the Applicant attempts to distinguish Page by suggesting that a received frame flag in Page is compared with a locally generated clock rather than the one transmitted. However, the Applicant wholly fails to recognize that the "local clock" (i.e. fig. 16, fs(B)) is generated in response to the received clock (fig. 16, "64fs from link").

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 and 23-27 are rejected under 35 U.S.C. § 102(b) as being anticipated by Page ("MAC-DSD Multi-channel Audio Connection for DSD", version 1.1, November 1, 2002 – 2004 IDS Paper Ref. "AR").

Regarding claim 1, Page discloses, according to figures 2, 3, and 5, a data communications system for communicating a data signal ("DSD") formed of successive data elements, said system comprising a transmission node (fig. 2); a reception node (fig. 3); and a link ("Category 5 cable") providing a data connection from said transmission node to said reception node; said transmission node comprising: (i) a clocking-signal transmitter (fig. 2, "Low-pass filter", "Differential line driver", and "Clock") for transmitting a synchronization clocking signal to said reception node via said link, said synchronization clocking signal having synchronizing features occurring at a frequency lower (i.e. 64fs) than a data element rate (i.e. fig. 5; 24DSD channels x 64fs = payload of 67.7Mbit/s); and (ii) an assembler (figs. 3 or 5, "PHY") for assembling elements of said data signal into data frames, each data frame having a plurality of successive data elements of said data signal, for transmission to said reception node via said link, said assembler being responsive to said synchronization clocking signal (fig. 5, ref. "PLL") so as to set a synchronization flag associated with a data element

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having a first predetermined temporal relationship with a synchronizing feature of said synchronization clocking signal (pg. 14, "Frame Types" and "Frame Flags"; pg. 18); and said reception node (fig. 3,) comprising: (i) a detector (fig. 3, "Comparator") for detecting a synchronizing feature of said synchronization clocking signal received from said transmission node; (ii) a disassembler (fig. 3, "PHY") for disassembling received data frames to regenerate said data signal, said disassembler being operable to detect a data element associated with a set synchronization flag (pg. 18); (iii) an output unit (fig. 3, "MAC-DSD") for outputting a data element associated with a set synchronization flag at a second predetermined temporal relationship with respect to said synchronizing feature of said received synchronization clocking signal (pg. 12); said first and second predetermined temporal relationships being arranged so that a predetermined system latency exists between input of a data element to said transmission node and subsequent output of that data element by said reception node (pg. 13).

Regarding claims 23-27, Page discloses the limitations of the claim as applied to claim 1 above.

Allowable Subject Matter

5. Claims 2-22 and 28-31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR § 1.136(a).

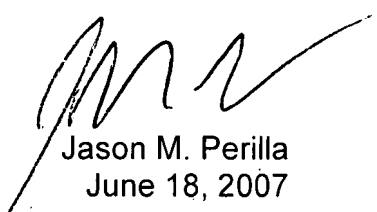
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR § 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason M. Perilla whose telephone number is (571) 272-3055. The examiner can normally be reached on M-F 8-5 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chieh M. Fan can be reached on (571) 272-3042. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Jason M. Perilla
June 18, 2007

jmp



CHIEH M. FAN
SUPERVISORY PATENT EXAMINER